

Remarks/Arguments:

The drawings have been objected to. Figure 11 has been appropriately amended. Withdrawal of the objection is respectfully requested.

Claims 1 and 4-5 have been rejected under 35 U.S.C. §102(a) as being anticipated by Takashi et al. (JP 2002-206910). It is respectfully submitted, however, that these claims are patentable over Takashi for the reasons set forth below.

Applicants invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

...first and second detecting elements...

...first and second detecting units for detecting rotations of said first and second detecting elements...

...a control unit for detecting a rotation angle of said rotor when a difference between first and second signals output from said first and second detecting units ranges within a predetermined range, and for determining based on said difference between said first and second signals, whether or not at least one of said first and second elements rotates within a predetermined tolerance (emphasis added).

This feature is supported by the originally filed application at page 7, lines 1-5, where it is stated:

Control unit 23 detects the detection signals from first detecting unit 16 and second detecting unit 20, and compares the signals with predetermined values, such as voltages and times stored previously in memory 23C, so as to determine whether detecting elements 12 and 17 are rotating properly.

No new matter has been added.

The ability to determine whether first and second elements are rotating within predetermined tolerances (i.e. rotating properly) is neither disclosed nor suggested by Takashi. Accordingly, claim 1 is patentable over Takashi.

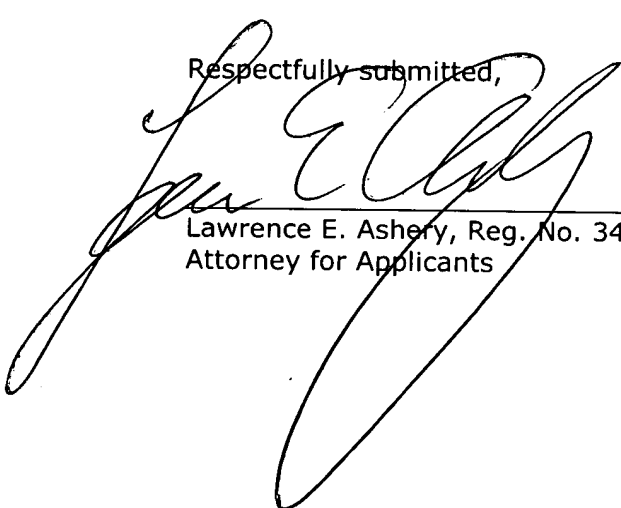
Claims 4 and 5 are patentable by virtue of their dependency in allowable claim 1.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Takashi. This claim, however, is also patentable by virtue of its dependency on allowable claim 1.

Claims 2 and 3 were objected to but were indicated as being allowable if rewritten in independent form. Claims 2 and 3 have been rewritten accordingly.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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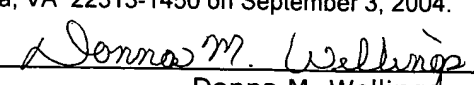
LEA/dlm/dmw

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 3, 2004.


Donna M. Wellings

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Appln. No.: 10/697,387
Amendment Dated September 3, 2004
Reply to Office Action of June 3, 2004

MAT-8480US

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 11. This sheet replaces the original sheet.

Attachment